



Daniel Ng'etich (right), Henry Ng'etich (centre) and Patrick Kirui at Iruru village in Nandi County. Henry and Patrick were imprisoned for two months for failing to complete their TB medication. **BELOW:** Daniel Ng'etich addressing a workshop of people living with HIV/Aids and TB at a Kapsabet hotel. [PHOTOS: KEVIN TUNOI//STANDARD]

How arrest saved lives of two TB patients

BY TITUS TOO

Even though they are undergoing medication for tuberculosis (TB) infection, two villagers from Nandi have a reason to smile. After being set free last year after serving two months for failing to take their medication, their arrest is a lesson in the quest to treat and prevent TB infections.

It also saved their lives. They secured their release after the intervention of two non-governmental organisations advocating for the basic rights of people suffering from TB and HIV-related conditions.

Daniel Ng'etich, 35, and Patrick Kipng'etich, 40, hail from Iruru village, Kapsabet. In an incident that attracted nation-wide attention, a Kapsabet court imprisoned the two farmers for eight months for failing to take drugs to curb spread of the respiratory disease.

Henry Ng'etich, a brother to Daniel, escaped arrest and consequent jail term since he was too weak to serve time in prison.

On the eve of the World TB Day, the three narrated their moving or-

deal before a TB and HIV/Aids workshop at Kapsabet. They said the arresting officers were also looking for a fourth TB patient, but it was too late for them because she had died a week earlier.

"I woke up one day and felt weak. I decided to go to hospital where I was diagnosed with TB. I was given some drugs, but was not told the duration of its use," said Daniel.

Prescribed dosage

After using the drugs for some time, Daniel says, he regained his health and decided to abandon them. "One day while I was working at a Church project near my home, I saw our area chief and public health officers come my way," he says.

Daniel recounted that the officials told him to accompany them to Henry's home and Kipng'etich's. The three of us were taken to Kapsabet District Hospital and later locked up at the Kapsabet Police Station.

"The public health officials took us to the court where we were sent to jail for eight months," says Daniel. The two were arraigned before a Kapsabet court accused of failing to take their drugs contrary to section



Public health officials took us to the court and we were sentenced to eight months in prison. - Daniel Ng'etich, TB patient

242 of the Public Health Act.

Henry was, however, allowed to go back home because he was then too emaciated. He is now on his path to recovery after resuming use of the drugs.

Daniel and Kipng'etich were released November last year, after the Kenya Legal and Ethical Issues Network and Network of People Living with HIV/Aids (PLHAS) intervened.

Daniel and Kipng'etich were accused of committing the offence between June 2009 and August last year, after having been confirmed to be suffering from TB. The court ruled that it had a duty to protect the lives of all Kenyans and the two should serve the term to enable them com-

plete their prescribed dosage under the supervision of authorities.

"When we heard of the arrests, we intervened because we fight for the basic rights of the sick. They have a right to associate and assemble," said Nelson Otuoma of PLHAS.

Defended verdict

Otuoma said prisons are meant for criminals and not the sick. "We have many sick people in the society and if they were to be locked in, there could be no space," he says.

Kelin secured the patients' release using their legal officials. "There is need to enlighten Kenyans on issues related to TB and HIV/Aids.

"Daniel and Kipng'etich were jailed because they did not understand the medication process," said Otuoma.

He called for a review of the Public Health Act under the new constitutional dispensation to ensure the rights of the sick are protected.

Linet Abdul, the magistrate in

charge of Kapsabet courts, attended the forum.

He defended the court verdict saying it was within the law. Abdul said the world was now rights-based and that whenever one is exercising his or her right, it should not affect the quality of life of others.

Ramadan Tarus, a medic in charge of respiratory diseases at Kapsabet District Hospital, said Kenyans should exercise their rights with responsibility.

He said the community should be protected from getting infected and rights groups should also engage clinicians and the general community over the matter of drugs use.

Tarus said TB was now manageable and could be treated within six months unlike in the past where one could be put under medication for over one and a half years.

He denied that there was mistreatment of those suffering from TB and HIV in the area, saying there was no isolation bay for such patients at the Kapsabet hospital.